IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 20145 of 2007(W)

PETITIONER:

P.V.XAVIER, S/O.VARKEY, POTHANIKKATTU HOUSE, KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.P.V.BABY

RESPONDENTS:

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1. KOTHAMANGALAM MUNICIPALITY, P.O.KOTHAMANGALAM, ERNAKULAM DISTRICT, REPRESENTED BY ITS SECRETARY.

2. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO LOCAL ADMINISTRATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY ADV. SHRI V.M. KURIAN.

R2 BY GOVERNMENT PLEADER (SHRI K.J. MOHAMMED ANZAR)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 20145 OF 2007 W

Dated this the 2nd July, 2007

JUDGMENT

Petitioner challenges Ext.P7. By Ext.P7, the petitioner is directed to demolish certain portions of the construction made by him. According to petitioner, the only complaint can be that the construction was not preceded by a proper publication. According to petitioner, Ext.P4 was given seeking regularisation.

2. Heard the learned counsel appearing for the petitioner, learned standing counsel appearing for the first respondent Municipality besides the learned Government Pleader. Learned counsel for the Municipality submits that Ext.P7 can be treated as a notice and the petitioner can submit his objections to Ext.P7 and he will be heard and a decision will be taken and till such time, no action will be taken against him. Counsel for petitioner submits that a decision may be taken on Ext.P4 also. In such circumstances, the Writ Petition is disposed of as follows:

Petitioner is given one week's time from today to file his objections to Ext.P7, treating it as a notice. Upon receipt of his objections, the first respondent will afford an opportunity of hearing to the petitioner and after hearing him, take a decision in the matter in accordance with law. It is open to the petitioner to contend before the first respondent, if the matter is one which is capable of being regularised, that orders be passed on Ext.P4, in which case the first respondent will consider the same and pass appropriate orders. Till a decision is taken in the matter, Ext.P7 shall not be enforced.

K. M. JOSEPH, JUDGE

kbk.